

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA

JOSE ABASTA, )  
 )  
Petitioner, )  
 )  
vs. ) Case No. CIV-10-896-M  
 )  
H. A. LEDEZMA, Warden, )  
 )  
Respondent. )

**ORDER**

On September 16, 2010, United States Magistrate Judge Gary M. Purcell issued a Report and Recommendation in this action brought pursuant to 28 U.S.C. § 2241, seeking a writ of habeas corpus. The Magistrate Judge recommended this action be dismissed without prejudice. Petitioner was advised of his right to object to the Report and Recommendation by October 6, 2010. A review of the file reveals that petitioner has not filed an objection.

Accordingly, upon de novo review, the Court:

- (1) ADOPTS the Report and Recommendation issued by the Magistrate Judge on September 16, 2010, and
- (2) DISMISSES this action without prejudice.

**IT IS SO ORDERED this 21st day of October, 2010.**



VICKI MILES-LAGRANGE  
CHIEF UNITED STATES DISTRICT JUDGE